



**VILLAGE OF BISCAYNE PARK**  
**640 NE 114TH STREET**  
**BISCAYNE PARK, FL 33161**  
**TEL: 305 899 8000 FAX: 305 891 7241**  
**www.biscayneparkfl.gov**

Mayor and Commission

Noah Jacobs  
Mayor

Bryan Cooper  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Roxanna Ross  
Commissioner

Commissioner Watts  
Commissioner

Ana M. Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria C. Camara  
Village Clerk

**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, May 7, 2013**  
**Presentations: 6:30PM**  
**Commission Meeting: 7:00PM**

**Presentations**

- 4.b-e Mayor Jacobs opened the meeting for presentations at 6:39pm and read the following proclamations:

Arbor Day - May 7, 2013

Municipal Clerk's Week - May 5-11, 2013. The proclamation was given to Maria Camara, Village Clerk.

National Police Week - May 13-17, 2013. The proclamation was given to Chief Ray Atesiano.

National Public Works Week - May 19-25, 2013. The proclamation was given to Cesar Hernandez, Asst Public Works Director.

Chief Atesiano announced award received from MADD (Mothers Against Drunk Driving)

Presentations were concluded at 6:50PM

**1 Call to Order**

Mayor Noah Jacobs called the meeting to order at 7:04pm.

**2 Roll Call**

Mayor Noah Jacobs - present  
Vice Mayor Bryan Cooper - present  
Commissioner Bob Anderson - present  
Commissioner Roxanna Ross - present  
Commissioner Barbara Watts - present

Present from staff were:  
Village Manager Ana M. Garcia

Village Clerk Maria C. Camara  
Village Attorney John Hearn  
Assistant to the Manager, Candido Sosa-Cruz  
Chief Ray Atesiano  
Finance Director Irwin Williams  
Assistant Public Works Director Cesar Hernandez

**3 Pledge of Allegiance**

**4 Presentations (continued):**

**4.f Employee Health Benefits - Graeme Pentland, Employee Benefits Solutions (EBS)**

Candido Sosa Cruz: Introduced Mr. Graeme Pentland from Employee Benefits Solution (EBS). EBS was a guest speaker at a recent Miami Dade County Manager's Association Meeting. The Village reached out to EBS who came in and provided the complete review, research and request for quotes for the health benefits for the Village employees.

Mr. Pentland provided a handout to the Commission detailing the "Health & Welfare Analysis - Plan Year 2013" for the Village. In summary, based on the quotes received, the current Coventry Health plan and American Fidelity Gap plan will be renewed along with the life insurance policy through Unum. There will be a .01% decrease to the Village. The employees will continue to have the option to buy additional plans for upgraded dental and vision plans. Mr. Pentland also provided an overview of what can be expected in 2014 with Health Care Reform.

**5 Additions, Deletions or Withdrawals to Agenda**

Commissioner Anderson asks to move item 13a to the June meeting.

Mayor Jacobs asks to move item 9.g, Resolution 2013-22, to the June Meeting.

Vice Mayor Cooper asks Manager Garcia to include in her report the status on the white fly on trees.

Vice Mayor Cooper asks Commissioner Watts what is the status on a resolution on the preservation of trees.

Commissioner Watts: Working with DERM and still doing further research. Also, the Village does not control Griffing Blvd., so if we pass a resolution, it would have no bearing. Pursuing path of preserving due their historical significance.

Dan Samaria: Neighbors helping neighbors. Was invited to a resident's birthday party. Felt like it was a community event and met a lot of residents. Moved here because it is was a small community that would help others. Recently I don't feel that way. Met Millie and Joe and we talked about how we used to help each other. I was informed that we used to do that and we had a Civic Club and they helped residents. I have a neighbor who was in a bad accident. This is how we can help someone, or to help repair their homes, or just someone to say hello. The Civic Club does not need the Commission to help others. Commissioner Ross does this out of her own pocket and in the past provided goody bags to residents. In regards to fund raising, the Rec Board was trying to do that to help the Rec Center. But now you say we can't and I'm asking that the Commission change that. This is to help the community and what we used to do.

Commissioner Cooper: Asks the Village Attorney to comment on fund raising by the boards.

Attorney Hearn: Confirms that per ordinance, fund raising is only allowed by the boards after approval of the commission.

Chuck Ross: Nod to Dan for always thinking of helping others. Crime Watch meeting on May 23rd starting at 6:30 at the Rec Center. Congratulations to Police Department for MADD award. We have a list of elderly and special needs residents. Sent list to all to get updated names, especially with hurricane season coming up. On the final public comments at the November meeting, have asked Commission to amend those minutes to add his comments that were not included. Clerk spends a huge amount of time on the minutes. Important for her to understand the salient points. Please consider having our clerk do this task. She is the newsletter editor, website editor, HR, back up for the Manager. A Clerk is a critical position. Should not be occupied doing detailed minutes. Go back to action minutes.

Fred Jonas: Missed the February 5th meeting. Looked at the minutes. Found parts of those minutes very reassuring. Especially interchange between Cooper and Linda Dillon and her attorney. The matter arose if Linda could take a position that would somehow create legal proceedings for the Village. Vice Mayor Cooper expected her to pay all Village cost if she did not win. Reminded that three years ago Bryan insisted on an investigation that cost the Village \$5,000 and that investigation found him to be culpable. And recently what he said about Sira Ramos during a meeting took three hours of legal time. In keeping with Bryan's position, I assume he will let the Clerk know where to send the bill for \$5,500. If he thinks he does not have to pay, he may consider the same with Linda Dillon.

Vice Mayor Cooper: Correction. It was a unanimous decision from the Commission to have an attorney look into the specifics of the Manager's claim a few years ago. If you read the report, there was no substance to it and no action taken against me. Dr. Jonas is typically inaccurate. In terms of Ms. Ramos, look at the record. In terms of standing up against attorneys that bully us, it is good to do that.

Commissioner Ross: As much as I hate to interrupt public comment, it is my duty to clarify the statements made by Vice Mayor Cooper. The report that was compiled from the investigation found there were six findings unfavorable to Commissioner Cooper. It is not correct that he was cleared of all issues. This commission chose not to expend anymore tax dollars on the issue, but the let the records show that the investigation find against him in six different counts.

Vice Mayor Cooper: Will bring back the report for full review next week.

Commissioner Anderson: Looking at attorney's bill of August 17th, three hours communicating about Ms. Ramos.

Vice Mayor Cooper: Read th e whole note, you're not reading the whole note, Bob.

Commissioner Anderson: Communication with Commissioner Cooper, Ms. Ramos and Village Clerk.

Mayor Jacobs: Commissioner Anderson, this is a conversation held off the dais.

Commissioner Anderson: No, we won't have it off the dais, that would be illegal.

Mayor Jacobs: Ok, don't have it off the dais, but don't have it here though.

Ronald Coyle: Concerned we are going to harass more of our neighbors with more ordinances concerning boats and RV's. Want to remind you that this is a working class neighborhood. If we want to reach for high standards, move to Miami Shores. Since we have same high millage and same rules as them, should dissolve Biscayne Park and join with Miami Shores. There's a piece of land there that we share by the canal that can be developed. They have a great Recreation Department and one of the best Charter Schools. If we are going to have all this regulation and pay more taxes than them, we should have all the benefits of the Shores. Better than to annex with a loser place. Talked to all my neighbors and most agree most logical to do that. Why not do a petition and talk with the Shores. When I was a Commissioner I spoke to them and since they are in the same boat as us and a small city, and they would love to have us. Biscayne Park is desirable and they would like to annex us. Would be sad to lose the name, but it is a good idea. We should be talking to them. The golf course is losing money and they are pinched themselves. Having Biscayne Park as a part of their city would be very advantageous for them. This is a little Village, not a city. All our employees would be protected as we would negotiate it with them. At this point if we are going to be Miami Shores, we might as well join them instead of wasting money to annex a loser place.

Vice Mayor Cooper: What would be the process to do this?

Attorney Hearn: Miami Shores has to decide this is something they want and would need a vote of the residents.

Barbara Kuhl: In regard to the investigation on Commissioner Cooper, I was at that initial meeting when the decision was made. The first suggestion made was to have mediation before going forward with the investigation that would cost \$5,000. The Manager agreed to try mediation first. But Commissioner Cooper did not agree to it. Wanted to make that clear.

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*Mayor took item 10.b out of order:*

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## **10 Ordinances - FIRST READING**

### **10.b Ordinance 2013-06**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 7 OF THE VILLAGE'S LAND DEVELOPMENT CODE, ENTITLED "RECREATION AND OPEN SPACE"**, TO PROVIDE REGULATIONS FOR COMMERCIAL AND RECREATIONAL VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Jacobs opened public comment on the ordinance.

Fred Jonas: Human nature to be self serving. Regarding matter of boats and RV's, find a policy that accommodates as many people as possible. No one will be fully accommodated. Code Review was handed a task to use their best judgment. I was a part of that Board in the past and I know the work is hard. These people are not only deeply vested in the community as a whole, but also some are experts in fields related to the design of neighborhoods.. They have crafted code that most people, including the Commission, are not capable of doing. Have found the sweet spot of compromising issues. Urge you not to get sucked in of criticizing the board based one the opinion of one or another that did not get everything they wanted. Approve chapter 7 as it is presented, and continue to ask for understanding. Either the committee will find further adjustments, or tell you the best interest of all has been made. Most are homeowners here and they care about the Village. If you yourself are not homeowners, or don't care about the look of your property, don't make the mistake that the stakes are low for everybody. The codes are for standard of life and decorum. Respect them and the people who took the time or trouble, or have the expertise to craft them.

Barbara Kuhl: Agrees with Fred Jonas. Committee has taken a lot of time to review and to see what other cities have done. This is what Miami Shores has.

Public comment closed.

Gage Hartung, Chair of the Code Review Board: Since the last meeting, took the feedback from the audience and went back and made some changes to accommodate:

> If you currently have a boat and cannot put behind front line of house, get a variance and keep as is. And, if you get a new boat, the variance stays. Only goes away if the property is sold. Same for RV's and trailer

Commissioner Watts: Is it clear that if a person gets a new boat, the variance stays. Suggest attorney clarifies the language.

Vice Mayor Cooper: If registration is not renewed, is the legality that it has to be registered for use on the water? If it lapses, do they lose the variance. Write the language in a way that they would not lose the variance.

Attorney Hearn: Registration is with the Village.

Commissioner Ross makes a motion to approve Ordinance 2013-06 at first reading. It is seconded by Commissioner Anderson.

Commissioner Ross: Thanks the board for reviewing all of the details and accommodating the needs of the speakers. Truly a good compromise.

Commissioner Ross as for:

> 7.2.1 (a) (1) - Add clarification on replacement of the boat. Asks attorney to craft language to clarify, and for RV's also.

Commissioner Watts: On 7.7, asks for clarification on effective date.

Attorney Hearn: Clarify to allow ~~360~~ 365 days to go into effect, or when ordinance is enacted.

Vice Mayor Cooper: Only fair to allow for one year for this to go into effect.

Attorney Hearn: Clarifies again that a current boat or RV owner has ~~360~~ 365 days to get into compliance. When ordinance enacted, a new owner after cannot be grandfathered.

Consensus to allow new boat owners after enactment up to ~~360~~ 365 days: For - Jacobs, Cooper, Watts. Against: Ross, Anderson.

Commissioner Ross: Back to 7.2.1(a)(1): Recording cost to be paid by the applicant, and notification to property owners within 450'.

Is there consensus: For Ross, Anderson. Against: Watts, Jacobs, Cooper.

Mayor Jacobs: How many complaints has the Village received on boats in the front yard?

Candido Sosa-Cruz: There is no violation, so none. We don't track the numbers on complaints.

Commissioner Watts: It is not a legitimate question. I personally don't like, but I would not make a complaint.

Vice Mayor Cooper: Counted over 50 boats in front yard. Heard from only 2 or 3 who don't like boats. The 50 don't all come up to speak. It is right for the Mayor to ask the question.

Commissioner Ross: We are here to accommodate everyone. Realized there was a need here when Miami Dade County made the same changes.

Vice Mayor Cooper: Continuing with 7.2.1 (a)(1), clarification that registration is with the Village and not the State of Florida.

Is there consensus: For: Jacobs, Cooper, Anderson, Watts, Ross.

Vice Mayor Cooper: Again on 7.2.1(a)(1), septic feed is usually on right or left side of a house. This condition should be added as a reason of not being able to store on the side of the house.

Attorney Hearn: Ultimately up to Planning & Zoning to make that decision.

Is there consensus to add: For: Jacobs, Watts, Cooper. Against: Ross, Anderson

Changes to 7.2.1(a)(1) also applies to 7.3.1(a)(1)

Mayor Jacobs: On same section, make the variance a part of the property, not the owner.

Attorney Hearn: If you provide that you are treating properties disparately. That could be an issue to the Village. Suggest against it.

Vice Mayor Cooper: Allow it to pass one time to a new owner.

Mayor Jacobs: Pulls the request to add it.

Vice Mayor Cooper: On 7.2.1(b), Clarify approved driveway surface. Can we allow on grass with proper maintenance.

Gage Hartung: Keep the language as is.

Vice Mayor Cooper: Asks to add to allow grass with proper maintenance. So as not to have resident be impacted financially.

Commissioner Ross: Point of ordinance is to move to back of property line. After comments, the board created conditions to allow and grandfather in, but kept in a neat fashion. The way presented is most fair.

Mayor Jacobs: Our responsibility is to review how it impacts all.

Is there consensus: For: Cooper, Jacobs. Against: Anderson, Watts, Ross

Mayor Jacobs: On 7.3.1, number of vehicles is limited to one (1). What about instance with visitors with an RV.

Commissioner Anderson: This is already covered under 7.3.1(d). It allows for up to 14 days.

Mayor Jacobs: Can we extend to 21 days?

Is there consensus: For: Watts, Cooper, Jacobs. Against: Ross, Anderson

Mayor Jacobs: On 7.3.1(h), that a guest does not apply to provision in 'h'.

Is there consensus to clarify: For: Jacobs, Cooper. Against: Ross, Anderson, Watts

Mayor Jacobs: On 7.4.1, change to no more than two (2) vehicles of any of the types listed.

Is there consensus: For: Jacobs, Cooper Against: Anderson, Ross, Watts

Commissioner Ross: On 7.5.4 - Allowance for category 2 currently owned. There is no provision for a recording requirement.

Gage Hartung: The intention is the same.

Commissioner Watts: Also add here the provision of a new vehicle purchased.  
Attorney Hearn agrees.

Is there consensus to reflect same language to record: For: Jacobs, Cooper, Watts, Anderson, Ross

Commissioner Ross: On 7.8, references to prior chapter. Asks Attorney Hearn to review and correct where needed.

Vice Mayor Cooper: On 7.6, where did the fines come from? Why so excessive?

Attorney Hearn: Chapter 162 of the Florida Statutes, and clarifies that it applies to the entire chapter.

Commissioner Ross renews motion to approve Ordinance 2013-06 with amendments.

All in favor: Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: Mayor Jacobs

Motion carries: 4/1

Commissioner Watts asks to delay the second reading to the July 9th meeting and it is accepted.



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Mayor Jacobs calls a recess at 9:12pm.

Meeting resumes at 9:26pm.

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Mayor took item 7.d out of order:

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- 7.d Finance Direct Williams provided a review of the financials for FY 2012-13 at six months. Recommends putting utilities and insurance and put their portions in each respective department. Provided detailed review of CITT funds from 2009 to 2013. Projects to have a negative balance at September 30th, but will change to a positive as CITT funds start coming in in October-November 2013.

Commissioner Anderson: On page 2 of 8, for revenues, add what was budgeted to this page.

Mayor Jacobs: Confirms that at the halfway mark we are at 50%.

Commissioner Ross: This 8 page report gave a lot of information. Appreciates the time provided by the Finance Director to review lag in revenues.

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Mayor took item 10.c out of order:

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## **10 Ordinances - FIRST READING**

### **10.c Ordinance 2013-07**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2012-12 ADOPTED ON OCTOBER 23, 2012 FINALIZING AND ADOPTING THE **ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2012-2013, BY AMENDING VARIOUS PARTS OF THE BUDGET** CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Jacobs opened public comment and there was none.

Commissioner Ross makes a motion to approve Ordinance 2013-07 at first reading and it is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross, and Commissioner Watts.

Motion carries: 5/0

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Mayor resumes agenda order at 7. Village Manager

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## **7 Village Manager**

- 7.a Police Chief Atesiano update:

> Coming up with a new plan to update list of special need and elderly residents. Will add door to door visit to seniors prior to a hurricane or other emergency. Will get information on shelters and other helpful information. Working with Crime Watch and Chuck Ross. List will be maintained confidential.  
Commissioner Anderson: Regarding no "major" repairs, "major" was taken out. Looks to see "major" put back in.

Attorney Hearn will verify it is an exemption of the public records law.

> Recent donation from the City of Aventura of tasers and taser equipment.

7.b Manager Garcia confirmed the date for a Special Commission meeting on Thursday, May 16th at 6:30pm.

7.c Manager Garcia provided status of the computer workstation at the Rec Center. Will provide an update in June.

7.e Manager Garcia provided a recap of the actions taken by the agronomist on the whitefly issue and what is being used to treat the trees. Being done on a monthly or bi-monthly basis. Majority of gumbo limbos have made a comeback. Treating trees at the Rec Center and on medians throughout the Village. Employees will attend a workshop to get more education and information.

## **8 Village Attorney**

Attorney Hearn provided an update on general litigation cases. Outside counsel expenditures higher than budgeted. Had an issue just recently resolved where a police officer's dismissal went to arbitration, and after reviewing the costs paid to date for legal services, a settlement offer made and accepted and that case is closed. All pending litigation has been settled. In regards to the last in the shade meeting, the Village prevailed and all liens still in place.

## **9 Consent Agenda**

Commissioner Anderson pulls 9.f, Resolution 2013-20, and it becomes item 11.a.

Vice Mayor Cooper pulls 9.e, Resolution 2013-19, and it becomes item 11.b.

Commissioner Ross pulls the February 5th and March 5th minutes.

Left on the consent agenda:

Approval of the minutes for:

> February 12, 2013 Special Commission Meeting

Acceptance of Board Minutes:

> Code Compliance Board - April 9, 2013

> Code Review Board - March 6, 2013

> Code Review Board & Parks Parkway Board Joint - March 20, 2013

> Code Review Board - April 3, 2013

- > Parks & Parkway Advisory Board - March 20, 2013
- > Planning & Zoning Board - April 1, 2013
- > Planning & Zoning Board - April 15, 2013
- > Recreation Advisory Board - March 21, 2013
- > Recreation Advisory Board - April 4, 2013

**Resolution 2013-15**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO ENTER INTO AN ADDENDUM **EXTENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BISCAYNE PARK AND MIAMI SHORES VILLAGE FOR HOUSEHOLD RECYCLING PICKUP**; PROVIDING FOR AN EFFECTIVE DATE

**Resolution 2013-18**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; **AUTHORIZING THE VILLAGE TO PROVIDE EMPLOYEE HEALTH BENEFITS FOR THE PERIOD OF JUNE 1, 2013 THROUGH MAY 31, 2014**; AND PROVIDING FOR AN EFFECTIVE DATE.

**Resolution 2013-23**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE EXECUTION OF THE SECOND ADDENDUM BETWEEN VILLAGE OF BISCAYNE PARK AND RAYDEL LANDSCAPING CORP.** FOR PROFESSIONAL LANDSCAPE MAINTENANCE SERVICES (PART I) AND PROFESSIONAL TREE TRIMMING, REMOVAL AND DISPOSAL SERVICES (PART II); PROVIDING FOR AN EFFECTIVE DATE

**Resolution 2013-24**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **RATIFYING THE APPOINTMENT OF ROBERT SILVERMAN TO THE PARKS & PARKWAY ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross makes a motion to approve the balance of the consent agenda and it is seconded by Commissioner Anderson.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

Commissioner Ross makes a motion to approve the minutes of February 5, 2013 and March 5, 2013, with the amendments she provided. It is seconded by Commissioner Anderson.

Vice Mayor Cooper asks for the audio for February 5, 2013, and that they be moved to the June meeting for approval.

Commissioner Ross accepts and amends her motion to only approve the minutes of March 5, 2013 with the amendments. It is accepted by Commissioner Anderson.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

## **10 Ordinances - FIRST READING**

### **10.a Ordinance 2013-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING CHAPTER 6 OF THE VILLAGE'S LAND DEVELOPMENT CODE**, ENTITLED "PUBLIC FACILITIES AND SERVICES", TO PROVIDE REGULATIONS FOR DUMPSTERS AND TO ADD CERTAIN DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Jacobs opened the meeting for public comment, and there were none.

Commissioner Anderson makes a motion to approve Ordinance 2013-05 at first reading and it is seconded by Commissioner Ross.

Commissioner Ross: Change line 19 of page 1 to Code Review. Verify line 33 to be consistent with ordinance passed. Is it 30 or 40 gallon? Line 10 in 6.3.3 - Owner/Occupant responsibility was changed to property owner and title should reflect same.

Attorney Hearn: Defers to Mr. Sosa-Cruz regarding enforcement.

Candido Sosa-Cruz: Keeping owner / occupant allows for enforcement for both.

Attorney Hearn: Should keep consistent and will verify with Code Review.

Commissioner Ross: On page 6 of 8, line 27, domestic trash definition. It is more appropriately defined earlier in the code.

Vice Mayor Cooper: On 6.2 Utility - Is it mandated that everyone has to have a land line?

Attorney Hearn: Still viable.

Commissioner Ross: On page 2 of 8, line 32, correct 'or' to 'of'. Page 3 of 8, © (c) (1), what is the definition of 'cubic yard'.

Candido Sosa-Cruz: This was written for the purpose of the commercial property (Church).

Commissioner Ross: Renews motion to approve Ordinance 2013-05 with changes described. Commissioner Anderson agrees.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

#### **Ordinances - SECOND READING**

##### **10.d Ordinance 2013-04**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 12 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED SIGNS, **BY PROVIDING PERMISSIBLE PLACEMENT OF SIGNS**, TECHNICAL CHANGES, PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CONDIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Hearn read the title.

Mayor Jacobs opened public comment.

Fred Jonas: Keep in mind the right of way is 10'. You might want to consider putting signs close to this line.

Mayor closes public comment.

Commissioner Ross makes a motion to approve Ordinance 2013-04 at second reading and it is seconded by Commissioner Anderson.

Commissioner Watts: Has reconsidered and re-measured on her lot. Would not have visibility at 10' on her lot, as is the case with many homes. Would like to see 6'.

Commissioner Anderson: At 6', many signs will be in the swale area.

Vice Mayor Cooper: Agrees that 10' is excessive. Will limit many from expressing their political views. Would prefer 5'.

Commissioner Ross: Political signs will go up for more than a month. At 5', you are permitting signs on a swale, common area, and not on private property. A liability for the Village and could create a hazard or impact the line of site.

Attorney Hearn: Cities usually try to discourage the placement of signs on the swale area.

Commissioner Anderson: We have never allowed a sign on a swale. You are now asking to allow it.

Commissioner Ross: Offers compromise at 8', and makes a motion to amend. The amendment is not accepted by Commissioner Anderson.

Mayor Jacobs: Asks that the original motion be withdrawn and to move to date certain July 9th.

Vice Mayor Cooper makes a motion to change to 6'. Motion fails for lack of second.

Commissioner Ross: Withdraws original motion and makes a new motion to postpone the second reading to date certain July 9th. It is seconded by Commissioner Anderson.

All in favor: Mayor Jacobs, Commissioner Anderson, Commissioner Ross, and Commissioner Watts

Opposed: Vice Mayor Cooper

Motion carries: 4/1

## **11 Resolutions**

### **11.a Resolution 2013-20**

**RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK RATIFYING THE APPOINTMENT OF MARIE SMITH TO THE BISCAYNE PARK FOUNDATION, INC., BOARD OF DIRECTORS; PROVIDING FOR AN EFFECTIVE DATE**

Commissioner Ross provided the background on the selection of Marie Smith to the Biscayne Park Foundation.

Commissioner Anderson: Wants the opportunity to interview Ms. Smith and find out what her experience is on fund raising.

Commissioner Ross: In the past we have never interviewed. Willing to move to June and invite Ms. Smith and to put the item at the beginning of the agenda.

Mayor Jacobs passes the gavel to Vice Mayor Cooper.

Mayor Jacobs makes a motion to approve Resolution 2013-20 and it is seconded by Vice Mayor Cooper.

Commissioner Watts: Ms. Smith wants to be on the Foundation to serve the Village. Believes she has good connections.

The motion is called to a vote.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Ross, and Commissioner Watts.

Opposed: Commissioner Anderson

Motion carries: 4/1

**11.b Resolution 2013-19**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK APPOINTING ROXANNA ROSS TO THE GOVERNING BOARD OF THE CLEAN ENERGY COASTAL CORRIDOR; PROVIDING FOR AN EFFECTIVE DATE**

Commissioner Ross provided the background.

Vice Mayor Cooper: Is this a for profit company?

Commissioner Ross: A cooperative of seven municipalities. The "district" is not for profit, but the contractual company, Ygrene, is.

Commissioner Ross makes a motion to approve Resolution 2013-19 and it is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross, and Commissioner Watts

Opposed: None

Motion carries: 5/0

**12 New Business**

**12.a Commissioner Anderson: Newsletter advertising policy.**

Commissioner Anderson: Asks to move the item to June and that it should encompass social media. Asks consensus from the Commission to task the Village staff to see how other cities handle this along with their social media policy.

Commissioner Watts: Confirms that it is limited to Village use.

Vice Mayor Cooper: This is burdening our staff. Commissioner Anderson should do the research.

Commissioner Ross: Agrees with Vice Mayor Cooper. Asks Commissioner Anderson to reach out to Miami Dade County League of Cities.

Commissioner Anderson: Will bring back the item when he completes his research.

**12.b Commissioner Ross: Respond to the Village Manager's request for direction on Newsletter Policy.**

Commissioner Ross: We let down the Manager at last meeting when she asked for our direction on this matter. Prior resolutions provide for free non-commercial ads for residents. Feels request for a blog fits this criteria and we should allow.

Commissioner Ross makes a motion to direct the Manager to allow the request for the blog advertisement and that any fee proffered is to be accepted as a charitable donation. It is seconded by Vice Mayor Cooper.

Mayor Jacobs: Confirmed the cost of the newsletter and that approximately half of the cost is paid by advertisers.

Commissioner Ross: Clarifies that the blog would fall under the non-commercial type ad.

Vice Mayor Cooper: We are basically trying to uphold a person's right to post an ad to drive traffic to his blog. If that is the case, for quite some time we have had a decorum ordinance that we tried to restrict free speech, and where newsletter submissions were attempted to be restricted. I always fought that, but in this case Commissioner Ross is saying that we should allow the freedom for residents to publish what they want.

Commission Ross: What we have are two resolutions that state we allow for free non-commercial ads. I'm just saying that we allow what we have voted on.

Attorney Hearn: Can be difficult to distinguish when on submission is controversial and when another is not. Most municipalities do not allow them.

Vice Mayor Cooper: If going forward with the election coming up, if the newsletter is a vehicle to promote all political views, then I support it. But if this is just for this one instance, I do not. To allow the political process in the newsletter should be in the format of an ordinance. It is precedent setting. Don't want to switch willy-nilly. Let's set aside a section in the newsletter to allow diverse opinion, even those as strange as Dr. Jonas'.

The motion is called to a vote:

All in favor: Commissioner Ross

Opposed: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson,  
Commissioner Watts

Motion fails: 1/4

Vice Mayor Cooper makes a motion to craft an ordinance to formalize the process by which to allow a political forum in the newsletter.

Mayor Jacobs: Suggest that in the same way it was asked of Commissioner Anderson, that Vice Mayor Cooper bring this item back as an agenda item for the June meeting for further discussion.



14 **Final Public Comment**  
< None >

15 **Announcements**

Clerk Camara read the announcements:

All public meetings are held at the Ed Burke Recreation Center,  
11400 NE 9th Court, Biscayne Park.

Wednesday, May 15th - Parks & Parkway Advisory Board at 6:00pm

Wednesday, May 15th - Code Review Board at 7:00pm

Thursday, May 16th - Special Commission Meeting at 6:30pm

Friday, May 17th - Food & Tunes at 6:30pm

Saturday, May 18th - Special Saturday Trash Pick up from Noon to 5:00pm

Monday, May 20th - Planning & Zoning at 6:30pm

Monday, May 20th - Ecology Board at 6:30pm

Tuesday, May 21st - Code Compliance Board at 7:00pm

Monday, May 27th - All Village Departments are closed in observance

of Memorial Day

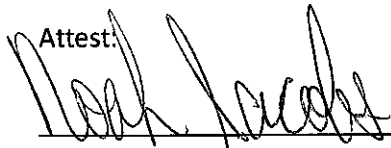
Monday, June 3rd - Planning & Zoning at 6:30pm

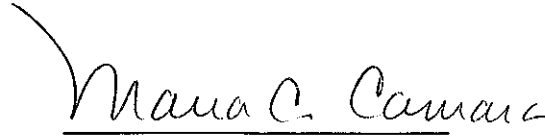
Our next regular Commission meeting is Tuesday, June 4, 2013 at 7:00pm.

16 **Adjournment**

The meeting was adjourned at 11:01pm.

Commission approved on 7/9/13.

Attest:  
  
\_\_\_\_\_  
Noah Jacobs, Mayor

  
\_\_\_\_\_  
Maria Camara, Village Clerk